

DATE: December 27, 2002

FILE REF: NR 135/NMAC

TO: Nonmetallic Mining Advisory Committee

FROM: Tom Portle

SUBJECT: Minutes of November 7, 2002 Nonmetallic Mining Advisory Committee Meeting

Following is my report on the main points from the meeting of the NR 135 Nonmetallic Mining Advisory Committee ["NMAC"], held on August 1, 2002 from 9:30 AM to 4 PM at the Wisconsin Highway Patrol District One Headquarters Building in DeForest, WI.

NMAC members present: Bruce Brown, Jim Burgener, Sue Courter, Mike Erickson, Ron Garrison, Marty Lehman, Ed Reesman, Jennifer Sundstrom & Gary Werner

WDNR Staff Present: Phil Fauble, Dan Graff, Dave Misterek. Jessica Maloney, Deb Pingel, and Tom Portle

Others Present: Pamela Andros, Dane County, Eric Fowl, East Central WI Regional Planning Commission; Pat Stevens Wisconsin Transportation Builders Association, Rock, J County; Kirsten Jurcek; Jennifer Schuetz, The Kramer Co.; Philip Schmitz, ECCI. Terry Ochs, Green Lake County; Ernst Clarenbach and Mindy Manegold, Fond du Lac County

Main points of discussion and any decisions or necessary "follow-up activities" follow:
(Agenda items in **bold**)

► Check-in "**Around-the-table**" - Overall, members felt the program was working well; still some lack of consistency in implementation and in code interpretation issues exists; better communication ought to be fostered.

Ed - try to get some program history out on the website. This could provide a better historical perspective during implementation and help some understand some of the more complex or controversial aspects of the program.

Marty - working relations with RA's are good

Mike - Concerns around the financial assurance (FA) issue and guidance; discussions with APW; don't make the committee bigger or unduly expand the input; let non-members comment in a structured way; don't let this get too complex.

Gary Werner - Some reclamation plans end up being at odds with county-supported values such as "open space"; "Important Resources to be Protected"; Connection of "Smart Growth" to Mine proposals and Registration

10:00 DNR Update & Responses to NMAC Motions etc. TOM

- Report on outreach efforts such as website improvements, newsletter plans and the proposed videoconference; (Also please see Attachment 1).
- update - status of development of DNR RA Audit protocol

11:00 Status of Known and Identifiable Future Deposits Bruce Brown, WGNHS

Bruce provided a demonstration of computer tools that may be employed to facilitate planning for future resource needs. Implicit in this discussion to some is the potential use of such tools to aid in planning to adequately protect of natural resources and to minimize land use conflicts.

Quite a bit of discussion followed Bruce's presentation. A lack of consensus on the role, if any, that the NMAC should play was on this matter was apparent. More discussion needed on connection of Registration to Smart Growth. This led to putting this item on the next agenda to allow a more thorough discussion and hopefully consensus on this matter.

LUNCH - from about 12:40 - ~ 1:30

~ 1:30 Input from Partners and public

Eric Fowle - intricacies of program; request committee to discuss various program intricacies such as phasing of reclamation, highwalls, financial assurance.

Phil Schmitz - would like guidance on how to best determine the stability of a highwall

Kirsten - large degree of variability between RA interpretations

Terry Ochs concerned as to the criteria used to select RA's for audit - Definitely did not want it to seem punitive.

Pam A. Zoning v. NR 135 interaction- dates when reclamation might be required

2:15 Registration of Land Containing Nonmetallic Mineral Deposits status of form and I & E materials (especially aimed at landowners who wish to register).
Dan Graff

Dan handed out the proposed registration form and discussed

2:30 - Summary of WisDOT protocol & relationship to NR 135 reclamation standards

Dan Scudder, WisDOT

Mr. Dan Scudder provided a handout which was the basis for an overview of the procedures that the WisDOT follows and provided an overview regarding their consistency with NR 135 reclamation standards. Mr. Scudder answered questions from the NMAC.

Dan indicated that it is possible that new engineers may not be aware of existing agreements between DNR and WisDOT and that this and other communication needs would be addressed.

3:30 Unfinished Business/ Possible Issues/Concerns

Survey and discussion regarding the magnitude of the topsoil scrape issue - no time to discuss - Tom Portle handed out a memo to the NMAC on this matter. Discussion at next meeting.

3:45 Feedback of this meeting & scheduling of next meeting

Meeting was very productive. The NMAC seemed satisfied with DNR outreach efforts begun in response to discussion (motions - see attachment 1) from the last meeting.

Although most seemed pleased there was at least one person who had an expectation that issues brought before the NMAC were to be resolved at the meeting and thus had a sense of disappointment.

This was the first time that this segment of the meeting was attempted. I expressed that it is a priority to hear the concerns of all persons who show up and wish to speak during the public input portion of the meeting. There is thus no way to guarantee that there would be time for that to happen if we attempted to resolve each issue as it came up. It is expected that, due to the nature of some issues, it would not be possible to resolve some issues on the spot.

My view is that the best chance of having a given issue resolved or question answered would be either to send the item to me or to a representative on the NMAC so that, if appropriate, it can be put on the agenda and sufficient time allocated. Apart from that, it comes down to time available and is thus sort of "luck of the draw".

► **Next Meeting** - The NMAC felt that it would be good to meet again in about 3 or 4 months. The meeting has been scheduled for **February 19, 2003**. It will again be held in DeForest, WI.

4:00 Adjourn

Some agenda items for February 19, 2003 meeting:

- Presentation on Smart Growth - elements and potential connection to registration
- Further discussion on relationship between registration, planning and Smart Growth and the role of the NMAC

(discuss how this could be tied together - Gary W. had strong feelings - ought to be used in planning - combined with GIS layers to see areas that are out of bounds and tap into the Smart Growth elements model - look at getting registration stuff to Bruce Brown and use similar approach to ID for those involved in planning.

- Topsoil scrapes
- Report on outreach progress

ATTACHMENT 1
PROGRESS UPDATE ON NMAC MOTIONS FROM
AUGUST 1, 2002 NMAC MEETING

MOTIONS APPROVED	ACTION TO DATE
<p>► A motion was passed advising the DNR (who are charged with setting the agenda and taking care of meeting logistics) to <i>increase the opportunity for public input</i> as part of each future NMAC meeting. One directive is to schedule time on the agenda of each future meeting to allow for "public input" (including a specified time limit per presenter). This motion also directs the Department to <i>provide wider distribution of the NMAC meeting</i> time, place and proposed agenda to the public, through posting on the Department's website, nonmetallic mailing lists and communications with NR 135 regulatory authorities.</p>	<p><i>Public input portion of agenda scheduled</i></p> <p><i>NMAC meeting information on website</i></p> <p><i>Use of existing mailing list of RA contacts to announce NMAC meeting</i></p> <p><i>Routine public notice to newspapers and DNR calendar have been sent out (as has always been the case - in compliance with law and DNR operating policy)</i></p>
<p>► A motion was passed that advised the DNR that the NMAC strongly recommends the DNR embark on an <i>outreach initiative</i> to address many of the communication issues that are perceived to be developing around program implementation.</p> <p>This is important as this is a critical time as because mine operators and regulatory authorities are working through the important details of what is required for approvable reclamation plans and financial assurance, and</p> <p>the training should supplement and build on Department written guidance on these topics.</p>	<p><i>Working to provide ant "on-line" newsletter (announce meetings, conferences, key dates - fees annual reports due etc. -policy decisions, guest authors on relevant topics, perhaps a question and answer segment, others?</i></p> <p><i>Working to get a PowerPoint like show for on-line training on reclamation plans and possibly financial assurance.</i></p> <p><i>Looking into making the results of issue resolution and policy inquiries organized in a way to make these items more accessible &widely available.</i></p> <p><i>Inquiries made as to videoconference for reclamation plan and financial assurance, issue resolution. RA mailing list (email) used to solicit input regarding training needs.</i></p>

<p>► A motion was passed affirming the need for the Department to appoint to the NMAC a representative from the County Land Conservationists (a statewide organization representing staff who, in administer or provide technical support in about 50% of the current programs) on the NMAC, preferably by filling the first vacant seat.</p>	<p><i>This will be perused at the appropriate time - probably around April of 2003.</i></p> <p><i>I have contacted the Land Conservation Organization, informed them of the NMAC motion, invited them to the meeting and encouraged them to select a candidate.</i></p>